

DOCKETED

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Project Title:	Cogentrix Quail Brush Generation Project
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Document Title:	Order Granting Applicant's Second Request to Suspend Proceedings and Denying Intervenor Simpson/Helping Hands Tools Motions etc.
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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***APPLICATION FOR CERTIFICATION FOR THE
QUAIL BRUSH GENERATION PROJECT***

Docket No. 11-AFC-03

**ORDER GRANTING APPLICANT'S SECOND REQUEST TO
SUSPEND PROCEEDINGS AND
DENYING INTERVENOR SIMPSON/HELPING HANDS TOOLS MOTIONS
TO DENY AFC AND HOLD A HEARING IN THE AFFECTED COMMUNITY**

On April 16, 2013, pursuant to Applicant's request, an order was issued suspending proceedings in this matter until April 15, 2014.

On April 8, 2014, Applicant filed its *Second Request for Suspension*. In that document, Applicant asserts that in light of the California Public Utilities Commission's (CPUC) recent issuance of D.14-03-004, authorizing San Diego Gas & Electric (SDG&E) to procure between 500 and 800 MW of generation by 2022 to meet local capacity needs in response to the permanent retirement of the San Onofre Nuclear Generating Station (SONGS), the project has ongoing viability.

Since that filing, there have been many comments filed by members of the public opposing any additional suspension of the proceedings. These comments have been filed by individuals and entities opposed to the project. Many of these comments urge the Commission to take this opportunity to deny the project a license on the grounds that it will not survive environmental scrutiny.

Several intervenors submitted opposition to the request for suspension. Like the public comments, these opposition papers ask the Commission not only to deny the request for suspension but also to dismiss the AFC, and deny the applicant a license to construct and operate the project, on environmental grounds.

Intervenor Rob Simpson/Helping Hand Tools submitted opposition which includes two motions: one to deny the AFC and one to hold a hearing on Applicant's request in the affected community. The motion to hold a hearing on Applicant's motion in the affected community is moot because the Presiding Member has determined that a hearing is not necessary. The request to extend the suspension for another year is

only a procedural matter that does not involve any of the environmental issues and does not warrant the expenditure of time and public resources such a hearing would require.

There are only two ways the Presiding Member can respond to Applicant's request: either grant or deny an additional one-year suspension.

Granting the request for suspension would continue the status quo: no additional work on the project would be undertaken by Staff during the suspension period. Denying it would revive the Application for Certification (AFC), meaning that Staff would continue to work on preparing the Preliminary Staff Assessment (PSA), which would lead to evidentiary hearings and ultimately a Commission decision either to approve or deny the AFC. Between those two options, granting the request for suspension is the better choice.

As for the requests for dismissal or denial of the AFC, and Simpson's motion to deny the AFC, a Committee decision on whether or not to recommend granting the project a license can only be based upon the evidentiary record to be developed at the Evidentiary Hearings, and those hearings cannot take place until Staff issues the Final Staff Assessment.

IT IS THEREFORE ORDERED that all proceedings in the above-captioned matter are suspended pursuant to the Applicant's *Second Request for Suspension*, filed April 8, 2014.

During the suspension of the proceedings, Staff and all responsible agencies shall not work on the AFC.

The suspension shall expire April 15, 2015.

Intervenor Simpson/Helping Hand Tools' motion to hold a hearing in the affected community is **DENIED** as moot.

Intervenor Simpson/Helping Hand Tools' motion to deny the AFC is **DENIED** as premature.

Dated: April 24, 2014, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Quail Brush Generation Project
AFC Committee